

## **TRIAL PROCEDURES**

### **Court Reporter**

Please respect the Court Reporter's function. Speak distinctly. Do not speak while someone else is speaking. At the start of the trial, please give the Court Reporter a list of spellings of unusual names of people, places or things. When referring to an exhibit, be sure to mention it by number or letter so that the record is clear.

#### **A. Civil Trials**

The Court's copy of the pre-marked exhibits should be assembled sequentially in a notebook and tabbed, or if a party prefers, each exhibit may be placed in a separate manila folder with number or letter visible on the lip, and the folder should be placed in a suitable container or box for ready reference; one set of exhibits should be provided to opposing counsel. Counsel shall also provide to the Court a copy of any depositions which are intended to be offered, into evidence or read in cross-examination.

#### **B. Criminal Trials**

Counsel should show to opposing counsel an exhibit (whether or not it will be offered into evidence) and hand it up to the Court, before showing it to a witness or using it in any other manner.

#### **C. All Trials**

Counsel is responsible for marking his or her own exhibits.

No exhibit may be used in Opening Statement unless its proposed use is disclosed to opposing counsel in advance.

After an examination is completed, the exhibits that have been admitted into evidence should be left with the Courtroom Deputy.

Neither counsel nor a witness may read from exhibits not in evidence. Counsel may publish to the jury or read from exhibits that are in evidence, upon obtaining leave of the Court. Blowups may be used with prior permission and should first be shown to opposing counsel.

Exhibits that contain inadmissible, extraneous matter should be redacted prior to trial.

A redacted copy of the Indictment containing only those matters being submitted for verdict should be prepared by the A.U.S.A. and will be sent into the jury room. Pleadings in civil cases are not sent into the jury room. Counsel is responsible to ensure that those exhibits sent in to the jury have actually have been received in evidence.

### **Jurors**

The Court usually permits the jurors to select the foreperson. Counsel should thus refrain from addressing juror number 1 as “Mr. Foreman” or “Madam Forewoman.”

The Court usually permits jurors to take notes.

Depending upon the length of the trial and complexity of the issues, the Court may permit jurors to have a typed version of the jury instructions in the jury room.

Read backs of testimony during jury deliberations may be avoided by the parties agreeing to send the jury the appropriate portions of the trial transcript, with any colloquy or sidebars redacted.